



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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November 30, 2023

VIA ECF

Hon. Dale E. Ho
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Larach-Cohen et al. v. N.Y.C. Dep't of Educ. et al.*, 23-cv-9290 (DEH)(RWL)

Dear Judge Ho:

I am a Special Assistant Corporation Counsel in the Office of the Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant the New York City Department of Education in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et. seq.* ("IDEA"), as well as for this action.

The parties respectfully submit this joint letter in accordance with the Court's orders on November 15, 2023 (ECF No. 11) and November 21, 2023 (ECF No. 12) to respectfully inform the Court that as this matter sets forth only a claim for fees and costs, and no other claim for liability, there is no need for discovery or an initial conference. Indeed, this office has settled many similar IDEA fees-only cases brought by plaintiffs represented by the Brain Injury Rights Group, Ltd. in recent years without the need to burden the Court with motion practice, conferences, or even the need to respond to the Complaint, and the parties are optimistic this matter will take the same course. To that end, the parties respectfully request that the Court adjourn the Initial Pretrial Conference ("IPTC"), scheduled for February 21, 2023, and the attendant the submission of the Case Management Plan and proposed Scheduling Order ("CMP/SO"), *sine die*.

Additionally, the parties write to respectfully inform the Court they do not consent to § 636 referral to the Magistrate Judge Lehrburger for all purposes.

Accordingly, the parties respectfully request that the IPTC currently scheduled for February 21, 2023 and submission of the CMP/SO be adjourned, *sine die*, and that a further

joint status letter be due by February 14, 2023—ideally advising the Court that this matter has settled, or otherwise proposing a briefing schedule.

Thank you for considering these requests.

Respectfully submitted,

/s/

Lauren Howland
Special Assistant Corporation Counsel

cc: Peter Glenn Albert, Esq. (via ECF)

Request denied without prejudice. If the matter has not been resolved by January 31, 2024, the parties may renew their request to adjourn sine die the initial pretrial conference and filing of a Rule 26 report.

SO ORDERED:

12/1/2023



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE